

Having reviewed the entire record and considered the briefs and arguments of the parties, the Appeals Board finds that the Award of the Administrative Law Judge should be affirmed.

The findings of fact and conclusions of law enumerated in the Award by the Administrative Law Judge are found to be accurate and appropriate and are hereby adopted by the Appeals Board as its own as if specifically set forth herein. The Appeals Board agrees that claimant has not sustained his burden of proof that his August 10, 1994 accident and injury arose out of and in the course of his employment with respondent. To the contrary, claimant's accident occurred during claimant's lunch break. Furthermore, the accidental injury was not the result of horseplay which constituted a regular incident of the employment.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Nelsonna Potts Barnes dated February 29, 1996, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Roger A. Riedmiller, Wichita, KS  
Bryce A. Abbott, Wichita, KS  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director